

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In Re: Tryphena F. Blake and Steadman L. Blake	Case Number 07-12445 RS Chapter 11
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**OPPOSITION TO MOTION TO ESTABLISH
APPLICABILITY OF 11 U.S.C. SEC. 362(a)**

Now comes Deutsche Bank National Trust Company, as Trustee for the Certificate Holders of Carrington Mortgage Loan Trust, Series 2005-OPT2, Asset-Backed Certificates, Series 2005-OPT2 (“Deutsche Bank”) and opposes Debtor’s Motion to Establish the Automatic Stay. As grounds, Deutsche Bank states as follows:

1. Deutsche Bank holds via assignment a first mortgage on property known as *116 Brook Avenue, Dorchester, MA*. This mortgage was originally given by the Debtors to Option One Mortgage Corporation. The mortgage is dated February 18, 2005, and was recorded in the Suffolk County Registry of Deeds in Book 36512, Page 215.
2. Debtors filed this bankruptcy case on April 20, 2007.
3. Pursuant to 11 U.S.C. Sec. 362(c)(4)(A)(i) (“Section 362(c)(4)(A)(i)”), if a debtor had two or more bankruptcy cases pending in the prior twelve months which were dismissed and the debtor files a new bankruptcy case, the automatic stay does not go into effect in the new bankruptcy case.
4. Debtors filed Chapter 13 Case No. 06-13884 on October 26, 2006 (the “First Case”). The First Case was dismissed on November 27, 2006.
5. Debtors filed Chapter 13 Case No. 07-10175 on January 11, 2007 (the “Second Case”). The Second Case was dismissed on February 20, 2007 for failure to file schedules and a Chapter 13 Plan.
6. Thus, because the First Case and Second Case were pending and dismissed within twelve months of the time this case was filed, pursuant to Section 362(c)(4)(A)(i), there is no automatic stay in effect in this case.
7. As a result of Debtors’ default under the terms of the Mortgage and the associated Note, Deutsche Bank commenced foreclosure proceedings on the Mortgage, received judgment from the Land Court and scheduled the Premises for foreclosure sale on May 1, 2007.

8. Because there is no automatic stay in effect in this case, Deutsche Bank went forward with the foreclosure sale on May 1, 2007 at which sale Deutsche Bank was high bidder.

9. Deutsche Bank requests that the Court deny Debtor's motion and issue an order stating that the automatic stay is not in effect in this case.

10. Alternatively, if the Court decides to impose the automatic stay, Deutsche Bank requests that, as required by 11 U.S.C. Sec. 362(c)(4)(C), the Court order that (a) the automatic stay is effective the date of the Court's order; and (b) Deutsche Bank's foreclosure sale of May 1, 2007 did not violate the automatic stay.

11. Further, Deutsche Bank has commenced eviction proceedings with regard to the Property. Deutsche Bank requests that the Court order that Deutsche Bank may continue with such proceedings.

WHEREFORE Deutsche Bank requests that the Court:

1. Deny Debtor's Motion;
2. Order that Deutsche Bank's foreclosure sale of May 1, 2007 did not violate the automatic stay;
3. Order that Deutsche Bank may proceed with an eviction action relating to the Property; and
4. Enter such other relief as the Court deems is just.

Date: May 22, 2007

Respectfully submitted:
Deutsche Bank National Trust Company, as
Trustee for the Certificate Holders of
Carrington Mortgage Loan Trust, Series
2005-OPT2, Asset-Backed Certificates,
Series 2005-OPT2,
by its attorney:

/s/ Sanjit S. Korde
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CERTIFICATE OF SERVICE

I, Sanjit Korde, Attorney for **Deutsche Bank National Trust Company, as Trustee for the Certificate Holders of Carrington Mortgage Loan Trust, Series 2005-OPT2, Asset-Backed Certificates, Series 2005-OPT2** hereby certify that on May 22, 2007 I electronically filed the foregoing *Opposition to Motion to Establish Applicability of 11 U.S.C. Sec. 362(a)* with the United States Bankruptcy Court for the District of Massachusetts using the CM/ECF System. I Served the forgoing documents on the following CM/ECF participants;

John Fitzgerald, US Trustee
Timothy M. Mauser, Esq.

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following non CM/ECF participants:

Steadman L. Blake
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Tyrphena F. Blake
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